

MINUTES

SCOTTSDALE CITY COUNCIL

TUESDAY, FEBRUARY 17, 2004

***CITY HALL KIVA
3939 DRINKWATER BOULEVARD
SCOTTSDALE AZ 85251***

MINUTES
SCOTTSDALE CITY COUNCIL
Tuesday, February 17, 2004

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, February 17, 2004 in the Kiva, City Hall, at 5:12 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Wayne Ecton
Council Members Robert Littlefield, Ned O'Hearn, Roberta Pilcher,
David Ortega, and Tom Silverman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

Pledge of Allegiance

Troop 1113, 3rd & 4th graders from Hopi and Tonolea Schools, along with troop leader Susan Bitter Smith, led the audience in the pledge.

Invocation

Pastor Ray Barton from Scottsdale Bible Church gave the invocation.

Presentations/Information Updates

Mayor Manross proclaimed February 22 through 28, 2004 as National Engineer's Week.

Thunderbird members John Brigder and Brian Carney presented a Partnership Award to the City for participation in the FBR Open.

Boards, Commissions and Task Forces

Board of Adjustment (1) - **Howard Myers** was appointed by a majority vote.
Transportation Commission (1) - **Michael Bruz** was appointed by a majority vote.

Public Comment

George Stafford, 6502 E Palm Ln, 85257, requested clarification on the "proposed project" referenced in Proposition 300.

Ms. Dolan explained that the proposed project mentioned in Proposition 300 refers to the Los Arcos redevelopment project. She noted that since this item isn't on the agenda, staff would be happy to meet with Mr. Stafford to answer any additional questions he may have.

Art Batty, no address provided, discussed the recent visit of the Scottsdale Mounted Police Unit to Alberta, Canada, and requested they be allowed to return in 2005. He noted that he will be following up on this request in writing.

Minutes

SPECIAL MEETINGS

REGULAR MEETINGS

EXECUTIVE SESSIONS

Tuesday, January 20, 2004 Tuesday, January 6, 2004

COUNCILMAN ORTEGA MOVED FOR APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 20, 2004 AND THE EXECUTIVE SESSION MINUTES OF JANUARY 6, 2004. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

CONSENT AGENDA – ITEMS 2-16A

1. Item 1 was removed from the Consent Agenda for separate discussion. See page 10.
2. **Arcadia Fine Wine Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an existing beer/wine store.
Location: 4251 N. Brown Avenue
Reference: 104-LL-2003
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov
3. **Pati's Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant location.
Location: 6166 N. Scottsdale Road #100
Reference: 105-LL-2003
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov
4. **Magnum's Bar Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an establishment currently operating with a series 06 (bar) liquor license.
Location: 2623 N. Scottsdale Road
Reference: 1-EX-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

Mayor Manross opened public testimony.

Darlene Peterson, 7327 E Wilshire Dr, 85251, stated that the requested extension would be in the front of the building, away from the neighbors, and the business would not play loud music.

Ted Tinsley, 7225 E Cambridge, 85257, expressed concerns about loud music in his neighborhood and about parking on 72nd Place.

Mayor Manross closed public testimony.

Mr. Ekblaw clarified that there would be no external speakers, no outdoor entertainment would be allowed, and plans were in place for additional parking.

5. Ingleside Inn Tract Unit 03 Rezoning

Requests:

1. Rezone from Single Family Residential R1-10 (City of Phoenix zoning) to Single Family Residential District (R1-7) on a portion of a .41+/- acre parcel located at 6002 E. Carnation Circle.
2. Adopt Ordinance No. 3555 affirming the above rezoning.

Location: 6002 E. Carnation Cr.

Reference: 22-ZN-2003

Staff Contact(s): **Randy Grant, Chief Planning Officer, 480-312-7995,** rgrant@scottsdaleaz.gov; **Teresa Huish, Community Planner, 480-312-7829,** thuish@scottsdaleaz.gov

6. Water Treatment Plant Use Permit

Request: Approve a municipal use master site plan by expanding the existing water treatment plant with an additional 6.9+/- acres located at 8660 E. Union Hills Drive for construction of a water treatment facility with Industrial Park District, Planned Community Development (I-1, PCD) zoning.

Location: 8660 E. Union Hills Drive

Reference: 27-UP-2003

Staff Contacts: Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@scottsdaleaz.gov

7. Sprint PCS Conditional Use Permit

Request: Approve a conditional use permit for a wireless communication facility to be located within two flagpoles on a 336 +/- square foot portion of a parcel located at 7609 E. Indian Bend Road with Multi-Family Residential District (R-5) zoning.

Location: 7609 E. Indian Bend Road

Reference: 32-UP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@scottsdaleaz.gov

A minor change to stipulation #2 was presented, which stated that the first flagpole shall not exceed 14 inches in diameter at the base, while the second flagpole shall not exceed 12 inches in diameter at the base.

8. Item # 8 was removed from the Consent Agenda for separate discussion. See page 7.

9. **DC Ranch Parcels 2.17, 2.18 and 2.19, Phase 2 Replat**

Request: Approve a replat on a portion of DC Ranch Parcels 2.17, 2.18, and 2.19.

Location: Southeast corner of Desert Camp Dr and 96th Street Alignment

Reference: 13-PP-2001#2

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

10. **Construction Bid Award for Hayden Road – Pima Freeway to Thompson Peak Parkway**

Requests:

- Authorize Construction Bid Award No. 03PB132 to Archon, Inc., the lowest responsive bidder, at their total unit price bid of \$4,786,531.60 for the construction of Hayden Road – Freeway (Loop101) to Thompson Peak Parkway project.
- Adopt Resolution No. 6428, which authorizes the acquisition of real property rights from the Arizona State Land Department and establishes a Not to Exceed Amount of \$7,000,000 for this acquisition.
- Authorize payment to Arizona Public Service (APS) in an approximate amount of \$90,000 for the installation of the street light primary system for this segment of roadway.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Alex McLaren, Construction and Design Director, 480-312-7099, amclaren@scottsdaleaz.gov

11. **Construction Bid Award for the Arsenic Removal Water Treatment Facility-Well Site 32**

Request: Authorize Construction Bid Award No. 04PB025 to Garney Companies, the lowest responsive bidder, at their lump sum bid of \$4,434,200 for the Arsenic Removal Water Treatment Facility at Well Site 32, located at 11606 N. 64th Street.

Related Policies, References:

- a. 2001 Water Resources Master Plan, approved by City Council on October 15, 2001.
- b. Engineering Services Contract #2002-139-COS with Narasimhan Consulting Services, Inc. for design of the arsenic treatment facility, approved by City Council on November 18, 2002.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Alison Tymkiw, Sr. Project Manager, 480-312-7985, atymkiw@scottsdaleaz.gov; Joe Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

12. **Engineering Services Contract for Scottsdale Road and Thunderbird Road Intersection Improvements and Scottsdale Road Drainage Improvements**

Request: Authorize Engineering Services Contract No. 2004-014-COS with AMEC Infrastructure, in the amount of \$354,609 for the design of Scottsdale Road and

Thunderbird Road intersection improvements and Phase One (1) of Scottsdale Road drainage improvements.

Related Policies, References:

- IGA #2003-052-COS with Flood Control District of Maricopa County related to cost participation for drainage improvements within the general area
- Scottsdale Road Corridor Drainage Master Plan

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Robert M. Johnson, CPM Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

13. Engineering Services Contract for Center Drive and North Freeway Access Road Design

Request: Authorize Engineering Services Contract #2004-015-COS with Wood, Patel & Associates, Inc., in an amount not to exceed \$890,004, for the conceptual and final design of roadway and drainage improvements on Center Drive between 74th Street and Hayden Road and the preliminary design of roadway and drainage improvements on the North Freeway Access Road between Scottsdale and Hayden roads.

Related Policies, References:

- Streets Master Plan - 2003
- FY 2003/04 Capital Improvement Plan
- Zoning Case 19-ZN-2002 (Crossroads East)
- Zoning Case 20-ZN-2002 (Stacked 40s)
- Transportation Commission – November 2002

Staff Contacts: Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; Alex McLaren, Construction & Design Director, 480-312-7099, amclaren@scottsdaleaz.gov

14. Commercial Office Space Lease Agreement at the Scottsdale Airport

Request: Authorize lease agreement #2003-184-COS for the commercial office (Suite 100) at the Scottsdale Airport Aviation Business Center for Carl Salsman Aviation, Inc. to continue to provide aircraft sales services at Scottsdale Airport.

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, 480-312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

15. Amendment to Federal Aviation Administration Lease Agreement

Request: Authorize Contract #860912-A3, an amendment to lease agreement 860912, with the Federal Aviation Administration's Air Traffic Control Tower located at Scottsdale Airport. The Federal Aviation Administration is requesting to relinquish part of its current leasehold back to the City.

Related Policies, References: Lease Agreement No. 860912; FAA Grant Assurance No. 28

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, 480-312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

16. Harris Utility Billing System Software License, Services, and Software Maintenance Agreements

Request: Authorize and approve contract #2004-011-COS (which includes the Software License, Services Agreement and Software Maintenance agreements)

with N. Harris Computer Corporation DBA Harris Computer Systems for a new Utility Billing System. Funding in the amount of \$2,400,000 for this project was approved and made available in the 2002/03 CIP budget.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov;

Lynda Koemp, Utility Billing Manager, 480-312-2782, lkoemp@scottsdaleaz.gov

Responding to questions from Vice Mayor Ecton, Mr. Clifford said staff conducted rigorous testing on the system. References provided by the vendor were contacted, as well as personnel at other sites running the proposed software, with positive responses received from all.

16A. Scottsdale National Rezoning

Request: Initiate a rezoning from Single Family Residential, Environmentally Sensitive Lands District (R1-190 ESL) to Single Family Residential, Environmentally Sensitive Lands District (R1-190 and R1-70 ESL) on 30 +/- acre property located at the southeast corner of Rio Verde and 136th Street.

Reference: 2-ZN-2004

Location: Southeast corner of Rio Verde Drive and 136th Street

Staff Contact(s): Kroy S. Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN SILVERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 2 THROUGH 7, NOTING THE STIPULATION REVISION FOR ITEM 7, AND ITEMS 9 THROUGH 16A. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION

8. Alley Abandonment

Requests:

1. Abandon a half alley (10 feet wide) and full alley (16 feet wide) located north of Monterosa Street within the Hidden Village Sixteen subdivision.
2. Reserve a public utility easement over, under and across the entire subject alley area.
3. Reserve a private access easement in favor of parcel 173-47-008D over and across the subject 16-foot alley and portions of the 10-foot alley between lots 7 and 8.
4. Adopt Resolution No. 6445 affirming the abandonment.

Location: Between 66th and 68th Streets, north of Indian School Road

Reference: 10-AB-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Cheryl Sumners, Senior Planner, 480-312-7834, csumners@scottsdaleaz.gov

COUNCILMAN ORTEGA MOVED TO CONTINUE CASE 10-AB-2003 FOR TWO WEEKS. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

REGULAR AGENDA – ITEMS 17 & *1*

17. Trails Master Plan

Request: Adopt Resolution No. 6447, approving the Trails Master Plan, and designating which, if any, alternative trail alignments (Dobson Wash, Reata Wash, 98th Street/Church Road/Pinnacle Peak Road, 98th Street/Church Road/Dobson Wash), or some other trail alignment is to be included in the Plan for the Church Road area.

Related policies, references. Parks and Recreation Commission approvals: 2/19/03 and 3/5/03. Previous Scottsdale Trails Plans, Design Standards and Policies Manual for Non-Paved Trails, Streets Master Plan, City of Scottsdale General Plan, Conceptual Trails Plan for the McDowell Sonoran Preserve, and Preserve Access Areas Report.

Staff Contact(s): Scott Hamilton, Trails Planner, 480-312-7722, shamilton@scottsdaleaz.gov; Debra Baird, Community Services Interim General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

Scott Hamilton introduced the proposed plan, reviewed four options, and the four alternatives for the location of the trail in the Church Road area. Staff recommended Option #2: Adopt Trail Plan with all four alternative trail alignments in the Church Road area. He further noted that implementation of the plan in the Church Road area was number sixteen on the project list; therefore, construction would not likely commence for eight to ten years.

Mayor Manross opened public testimony.

Jayne Abraham, 784 W Orchard Wy, Gilbert, 85233, representing Mountain Bike Association of Arizona, spoke in support of the Trails Master Plan Option #2 to complete the connectivity.

Leigh Hersey, 8607 E Thomas Rd, 85251, Chairman of Parks and Recreation Commission, said many people were excited about having connectivity of trails in the area. She further noted that Sports Illustrated chose Scottsdale as Sports Town USA largely due to the many uses on the trail system.

Bill Bridwell, 7031 E Cholla St, 85254, stated his belief that that the trail plan has been in existence since 1980 and it is Council's responsibility to see that it is adopted. He reminded everyone that the horse community contributed approximately \$1.3M to Scottsdale's economy in 2001.

Christine Kovach, 7525 N 131st St, 85259, urged Council to move forward with Option 2.

Shelley Anderson, 12890 E Gold Dust, 85259, a Parks and Recreation Commissioner, supported this item in its entirety. She stated her understanding of the neighborhood concerns, but felt the greater good outweighed the special interests of a few.

J. Copper Phillips, 7451 E Via Dona Rd, 85262, stressed that connectivity is critical to a safe and successful Trails Master Plan. She stated that it would not be safe to have trail users compete with cars.

Nona Oliver, 6908 E Portland St, 85257, stated her belief that the trail should be moved further East in the Church Road area as it would be preferable to the neighbors and would be safer.

Lyle Wurtz, 6510 E Palm Ln, 85257, expressed his opinion that everyone paid taxes on the preserve and everyone should have access to it. He stated his belief that decisions should not be based on who has the most clout.

Howard Myers, 6631 E Horned Owl Tr, 85262, stated that trails are important to citizen's lifestyle and support the tourism industry. He noted that his neighborhood dedicated a trail behind their homes that has brought nothing but joy and has not been a nuisance in any way.

Karen Cesare, Novak Environmental, 4574 N First Av, Tucson, 85718, and Roger Strassburg, Pinnacle Peak Vistas III HOA, 9117 E Los Gatos, 85255, gave a presentation in support of an alternative trail away from the neighborhood. It was explained that Ms. Cesare was hired as a consultant at the expense of the HOA to come up with a trail experience superior to the one offered by the current proposal, and to provide a win-win solution for all parties.

Vice Mayor Ecton expressed concern that the proposed alternative would compete with the Pinnacle Peak summit trail, generate more use than the other proposals, create parking problems, and be expensive to develop due to the terrain.

Responding to questions from Councilman O'Hearn, Ms. Cesare and Mr. Strassburg pointed out different ways to make the trail accessible to all types of users.

Councilman Ortega said the HOA alternative looked like a monumental detour from the original plan, which took several months of research and consensus building. He saw no cohesion with other paths.

Del Pelton, 9471 E Calle De Las Brisas, 85255, spoke in support of the proposed Master Plan and disputed the logic used by the plan's opponents.

Ric Hunsberger, 8711 E Pinnacle Peak Rd, 85255, disliked the Master Plan, as the trail would be 20 feet from his window.

Margaret Daleo, 31317 N 163rd St, 85262, urged Council to choose the safest plan for hikers, bikers, and equestrians.

Susan Wheeler, 9616 E Kalil, 85260, said it was very important to keep horses off the roads. She suggested an alternative be looked at to keep the horses in the wash and others on a different path.

Cathy Largay, 9296 E Sands Dr, 85255, said she lived within a mile of the proposed trail and stated her support for the plan. She noted that, although some might see it as an invasion, she sees the trail as something needed for the future.

Leslie Dashew, 21839 N 98th St, 85255, spoke in support of Option 1 and the alternative option presented by Ms. Cesare. She suggested this option be deferred to the future, since the project was number 16 on the project list, so it could be further explored.

Carla, PO Box 14365, 85267, stated that this was supposed to be a connective trail, not a destination trail like Camelback, which has no habitat left. She expressed support for the proposed plan.

Joyce Clark, 13402 N 76th PI, 85260, spoke in support of the Master Plan. She expressed sympathy that people did not check the city plans before they bought their homes.

Mayor Manross closed public testimony. There were eight additional comment cards from citizens not wishing to speak: five in favor and three opposed.

Mayor Manross explained that she would like to keep the options open on the Church Road segment, while moving forward on the entire plan.

Vice Mayor Ecton expressed his opinion that it is important to adopt a Trails Master Plan, while being flexible and sensitive to the communities the trails go through. He suggested a minor modification to Option 2 to "consider other routes including through the preserve" to open the door for future dialogue.

MOTION – ITEM 17

VICE MAYOR ECTON MOVED FOR ADOPTION OF RESOLUTION NO. 6447, OPTION 2, WITH MODIFICATION TO INCLUDE ANY OTHER ALTERNATIVES INCLUDING THOSE THAT MIGHT GO THROUGH THE PRESERVE. COUNCILMAN SILVERMAN SECONDED THE MOTION, (which carried 6/1).

Councilman Littlefield supported the Trails Master Plan, but did not agree with the modification as it would send the wrong message to citizens by making an exception for one small segment.

Councilman O'Hearn agreed with opening up future alternatives since he noted that the future cannot not be fully anticipated. He suggested criteria to be considered in ten years: 1) connectivity, 2) aesthetics and quality of the experience, 3) ease of use, 4) economics, and 5) thoughtful consideration of reasonable neighborhood concerns and issues. He stated his belief that trails enhance a community, knit neighborhoods together, and that decisions need to be based on what is best for all of Scottsdale.

VOTE – ITEM 17

Following the discussion, THE MOTION FOR APPROVAL OF RESOLUTION 6447 WITH THE MODIFICATION CARRIED 6/1 WITH COUNCILMAN LITTLEFIELD DISSENTING.

***1. Polly Esthers Liquor License**

Request: Consider forwarding a denial recommendation to the Arizona Department of Liquor Licenses and Control for a **person to person transfer** for a series 6 (bar) State liquor license for an establishment currently licensed with a series 06 license.

Location: 2040 N. Scottsdale Road

Reference: 103-LL-2003

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

Randy Grant introduced the request for a liquor license and reviewed the key reasons staff is recommending denial.

Mayor Manross opened public testimony.

Michael Merrill, 8713 E Vernon Av, 85257, spoke in favor of the denial. He noted there were over 450 calls for service from the Police Department in 2001 and 2002.

Nancy Cantor, 2529 N 86th St, 85257, spoke in favor of denial based on some comments from the applicant.

Mayor Manross closed public testimony.

Discussion was held about the State Liquor Board and Use Permit processes. Mr. Grant said Council would have a great deal of flexibility in granting a Conditional Use Permit for the establishment if the applicant received a license transfer.

MOTION AND VOTE – ITEM 1

VICE MAYOR ECTON MOVED TO FORWARD A DENIAL RECOMMENDATION FOR CASE 103-LL-2003 TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

Public Comment

Susan Wheeler, 9616 E Kalil, 85260, discussed concerns of the horse community and the possibility of losing horse shows to the Town of Gilbert. She urged that Council find out what was going on.

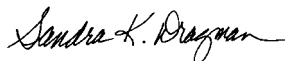
City Manager's Report - None

Mayor and Council Items - None

Adjournment

With no further business to discuss, Mayor Manross adjourned the meeting at 7:45 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:

Carolyn Jagger
City Clerk

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 17th day of February 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 24th day of February 2004.

CAROLYN JAGGER
City Clerk